



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

URGENT MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

February 10, 2016

William Russo, President
Ultra Scientific, Inc. (US)
250 Smith Street
North Kingstown, RI 02852

Re: **NOTICE OF VIOLATION** of the applicable Generators Standards of Hazardous Waste, Section 3002 and the Land Disposal Restrictions Rule, Sections 3004(d) through (m) of the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. §§ 6622(a) and 6924(d) through (m) and Chapter 23-19.1 of the Rhode Island General Laws, with implementing regulations promulgated as the Rhode Island Rules, Sections 1.00 through 17.00.

Dear Mr. Russo:

On July 17, 2014, representatives of the United States Environmental Protection Agency (EPA) conducted a compliance evaluation inspection (CEI) at Ultra Scientific, Incorporated (US), located in North Kingstown, Rhode Island. This facility is identified by EPA ID # RID987487832. The purpose of this inspection was to determine US's compliance with the federal hazardous waste regulations, specifically, regulations promulgated under the Resource Conservation and Recovery Act, as amended, 42 U.S.C. ii 6901-6987, at 40 C.F.R. Parts 260-272, and the Rhode Island Rules and Regulations for Hazardous Waste Management, included in Regulation #DEM OWM-HW 01-14

As a result of this inspection, EPA has determined that US violated certain provisions of the RCRA regulations, promulgated at 40 C.F.R. Parts 260 through 273 and Part 279, and the Rhode Island Rules and Regulations for Hazardous Waste Management. The specific violations are set forth below:

1. Failure to adequately label containers of hazardous waste, as required by Rhode Island Rule 5.13 F (1), a, b & c.

At the time of the inspection, EPA inspectors observed the following containers that were not adequately labeled with the words "hazardous waste", a description of the hazardous waste identified in words, and/or the type of hazard(s) associated with the waste:

a.. Located at Chemical Synthesis:

i. one unlabeled 30-gallon container, identified by WL as hazardous waste generated in the Chemical Synthesis process.

b. Located at Inorganic Synthesis Satellite Area:

i. one 5-gallon container marked only as "acid waste". WL stated that it contained acidic hazardous waste generated in the Inorganic Synthesis process; and

ii. one 5-gallon container marked only as "sentinel waste". WL stated that it contained mixed hazardous wastes generated in the Inorganic Synthesis process.

c. Located at Organic Quality Control (QC):

i. one 5-gallon container marked only as "TOC waste acid".

ii. WL stated that it contained acidic hazardous waste generated in the final QC review of US's final organic standard products.

2. Failure to store hazardous waste in properly closed containers, unless actively adding or removing waste, as required by Rhode Island Rule 5.13 B(2).

a. Located at Organic Quality Control:

i. one open 5-gallon container of chromatography waste, connected directly to the analytical device. WL identified it as hazardous waste generated in the final QC review of US's final organic standard products.

3. Failure to separate the following incompatible hazardous waste, as required by Rhode Island Rule 5.13 B(9).

a. Located at Chemical Synthesis:

i. one 1-liter bottle marked as waste acid was stored immediately adjacent, without any containment or adequate physical separation, to one 1-liter bottle marked as inorganic basic waste. WL stated that each container held hazardous waste.

Mr. William Russo, President
Ultra Scientific, Inc. North Kingstown, RI

USEPA

2. Store all containers of hazardous waste in properly closed containers, unless actively adding or removing waste, as required by Rhode Island Rule 5.13 B(2).
3. Separate incompatible hazardous waste containers, as required by Rhode Island Rule 5.13 B(9). Separation of incompatible hazardous waste containers must be stored in separate locations, or isolated by a physical barrier (e.g. a dike, berm, or wall) constructed of or lined with a material that is resistant to the hazardous waste stored in the area.
4. Post a "No Smoking" sign, at the less than 90 Day Storage Area, where ignitable waste is stored, as required by Federal regulations at 40 CFR 265.17 .

B. Within thirty (30) calendar days of receipt of this NOTICE:

1. Develop and maintain a complete hazardous waste training plan, as required by Rhode Island Rule 5.13I (10). The plan must include the following information:
 - i.. a listing of job titles for each position at the facility related to hazardous waste management and the name of the employee filling each job;
 - ii. a written job description for each position with hazardous waste duties; and
 - iii. a written description of the type and amount of both introductory and continuing training that will be given to each position with hazardous waste responsibilities.
2. Adequately train each employee with hazardous waste management duties, as required by Rhode Island Rule 5.13(I). Specifically, at the time of the inspection, US had listed J. Russo as US's alternate Emergency Coordinator. US was not able to provide any hazardous waste training records certifying that Mr. Russo has ever been trained in hazardous waste management.

C. Within thirty-five (35) calendar days of receipt of this NOTICE:

1. Submit a written description, with supporting documentation to:

**Andrew Meyer, Environmental Scientist
U.S. Environmental Protection Agency
5 Post Office Square, Boston, MA 02109-3912**

Mr. William Russo, President
Ultra Scientific, Inc. North Kingstown, RI

USEPA

4. Failure to post a "no smoking" sign at each area where ignitable hazardous waste is stored, as required 40 CFR 265.17 (a) as referenced in 265.176, which is referenced in 40 C.F. R.

262.34(a)(1)(i), a generator storing ignitable hazardous waste must post a "No Smoking" sign in the area.

Specifically, at the time of the inspection, there was no "no smoking" sign at the Main Hazardous Waste Storage Area, where US was storing ignitable hazardous waste.

5. Failure to maintain a complete hazardous waste training plan, as required by Rhode Island Rule 5.13I(10).

Although hazardous waste training was being regularly conducted to most employees, at the time of the inspection, US did not maintain the following training information describing employee hazardous waste management training:

- i. a listing of job titles for each position at the facility related to hazardous waste management and the name of the employee filling each job;
- ii. a written job description for each position with hazardous waste duties; and
- iii. a written description of the type and amount of both introductory and continuing training that will be given to each position with hazardous waste responsibilities.

6. Failure to adequately train each employee with hazardous waste management duties, as required by Rhode Island Rule 5.13(I).

At the time of the inspection, US had listed J. Russo as US's alternate Emergency Coordinator. US was not able to provide any records of Mr. Russo having ever been trained in hazardous waste management.

US IS HEREBY REQUIRED TO:

A. Immediately upon receipt of this NOTICE:

- 1. Label all containers of hazardous waste, as required by Rhode Island Rule 5.13 F (1), a, b & c.


Mr. William Russo, President
Ultra Scientific, Inc. North Kingstown, RI

USEPA

Failure to correct the violations as required by this NOTICE may subject the facility to further Federal enforcement action, including an assessment of penalties, pursuant to Section 3008 of RCRA, 42 U.S.C. 16928.

If you have any questions regarding this NOTICE, please contact Andrew Meyer of the RCRA Compliance Unit, at (617) 918-1755.

Sincerely,


Mary Jane O'Donnell, Manager
RCRA, EPCRA and Federal Programs Unit

cc: Tracey Tyrell, RIDEM

